HIGH COURT OF UTTARNCHAL AT NAINITAL

Writ Petition No. 367 (S/S) of 2004

Shishu Pal Dutt Sharma ..... Petitioner

Vs

State of Uttaranchal And
Others ..... Respondents

Counsel for the Petitioner Sh. Sharad Sharma
Standing Counsel for the respondents

Dated:- 28-7-2004

Hon'ble Rajesh Tandon, J.

Heard Sh. Sharad Sharma learned counsel for the petitioner and Standing Counsel for the respondents.

By the present writ petition the petitioner has challenged the order dt. 23-12-2003 passed by the respondent No. 2 by which the petitioner has been directed to be transferred as storekeeper in the office of Chief Medical Superintendent Pithoragarh.

The petitioner is permitted to join by next week and he shall be paid salary in pursuance of the order dt. 23-12-2003.

However, the petitioner has stated that his option is pending before the Central Government and no decision has been taken place as he has opted for the State of U.P.

The Division Bench has passed the order in writ petition No. 670 (S/B) of 2002 to the following effect:-

"Learned C.S.C. has accepted notice on behalf of respondent 2, 3, and 5. Sh. B.S. Verma, learned S.C,

Government of U.P. has accepted notice on behalf of respondent No.1. They pray for and allowed three weeks time to file counter affidavit. Issue notice to the respondent No. 4 returnable within three weeks. List thereafter.

Meanwhile, the impugned order dt. 26-11-2001 and 26-4-2002 passed by the respondent No.1 shall remain stayed till further of this court."

The petitioner is directed to approach the Central Govt. and the Central Govt. shall pass appropriate orders in view of the judgment of the Division Bench.

Since the matter is squarely covered by aforesaid decision, the respondent authorities are directed to pass the orders in accordance with the judgment of the Division Bench.

Subject to the aforesaid observations, the writ petition is disposed of. No order as to costs.

28-7-2004 **(RAJESH TANDON, J.)**

M.K